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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,586	03/13/2001	John Anthony Lotspih	DP-301891	1171

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/805,586

Applicant(s)

LOTSPIH, JOHN ANTHONY

Examiner

Joseph F Edell

Art Unit

3636

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-20

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: In response to the arguments regarding the 35 U.S.C. 112 rejection, Applicant argues that the disclosure reasonably conveys to one skilled in the art that the inventor had possession of the subject matter cited in claims 1-20 at the time of filing the application. However, Applicant has failed to show in the specification enablement for claiming expansion restraint elements adapted to remain operative so as to provide expansion restraint upon full inflation of the air bag cushion without failing. The specification does not define the criteria for the limitations governing whether an expansion restraint element is deemed to fail and one skilled in the art would realize that any expansion restraint element would fail if subjected to sufficient pressure or strain. The cited figure and page/line number are insufficient to convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention.

In response to the arguments regarding the 35 U.S.C. 103(a) rejection, see Office Action No. 14 for rejection of 1-4, 7-15, and 18-20 as being unpatentable over Yamamoto et al. in view of Okumura et al. and Response to Arguments. Specifically, Applicant argues that replacing the tear seam of Yamamoto et al. with a seam that remains operative represents a substantial and fundamental change thus nullifying the obviousness to modify Yamamoto et al. in view of Okumura et al. Applicant states that the seam would add bulk and complexity to the structure. However, Okumura et al. state the taught seam configuration aids in the folding of the airbag and assists in the delayed expansion of the third chamber. The seams provide definitive folds to insure proper folding of the air bag while lessening the amount of ambient air present in the air bag that tends to add bulk to a collapsed air bag. Moreover, the use a single type of seam, as opposed to two seams in Yamamoto et al., would reduce the manufacturing cost and time required to assemble. Also, Applicant argues that the latter stages of the inflation of the airbag in Yamamoto et al. would be greatly altered upon combination of the references because the upper and middle chambers will no longer be combined into one chamber upon inflation thus lessen the pressure in the upper chamber and delaying inflation. However, the upper seam of Yamamoto et al. is intended to direct flow and delay inflation and the impact of the seam configuration would not substantially alter the inflation of the airbag. No substantial changes to internal pressure of the chambers would be result rendering the air bag unsatisfactory for its intended purpose. Both Yamamoto et al. and Okumura et al. show an airbag that fully inflates. The tearing of the seam in Yamamoto et al. is not necessary for complete inflation, just to delay airflow to insure the airbag does not get tangle in a user's seat belt. Motivation for combining the references rests within Okumura et al. because the airbag of Okumura et al. is a unique expansion restraint element configuration that allows for smooth flow of inflating gas during inflation of an airbag. One skilled in the art would be motivated to make such a modification in view of the suggestion that the use of a single type of expansion restraint element simplifies construction of the air bag..



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